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SUBJECT: BOSNIA - INL-FUNDED PROGRAM UPDATE: FOCUS ON
TRAINING

REF: SARAJEVO 786

11. (U) Summary: INL-provided SEED funded training conducted by the Overseas Prosecutorial Development and Assistance Training Program (OPDAT) and the International Criminal Investigative Training Assistance Program (ICITAP) continue to play a critical role in our rule of law agenda here in Bosnia. The training provided helps Bosnian law enforcement and judicial agencies meet EU requirements by becoming more functional and efficient. A special emphasis is placed on building capacity at state-level institutions, which are for the most part still generally weak. Given that this training is in much demand by law enforcement and the judiciary nation-wide, both OPDAT and ICITAP continue to focus on the most pressing deficiencies of concern to the USG. OPDAT and ICITAP also actively pursue opportunities where they can co-train, and whenever possible, conduct training with other donors, including EUPM and other bilateral missions (usually European), in an effort to reduce costs and duplication in training offered. What follows is a review of training carried out by OPDAT and ICITAP within the past month and half, along with other noteworthy initiatives they have undertaken.

ILA Strengthens SDOC

12. (SBU) On June 30, OPDAT's Interim Legal Advisor (ILA) Rick Willis completed a six-month tour advising and mentoring prosecutors and legal officers in the State Prosecutor's Special Department for Organized Crime (SDOC). Our interlocutors there tell us Willis made a significant contribution in helping to build SDOC's capacity to investigate two terrorism cases of interest to the USG throughout his mandate. According to the head of the department, he helped lay the groundwork for successful prosecutions in both cases by helping prosecutors, legal officers, and investigators think through questions they could pose to suspects and witnesses; reviewed documents and encouraged staff to consider different avenues to pursue regarding future witnesses and documents; placed chronologies of events into context; and introduced methodologies for witness interrogations. Willis also encouraged the Federation Ministry of Interior (FMuP) to put greater effort into both cases by encouraging greater police-prosecutor cooperation, which needs to be strengthened nation-wide.

13. (SBU) In light of SDOC's continued need for assistance, OPDAT plans to host another ILA to carry on Willis' valuable work in the near future. This individual's role will become even more important not only because of the ongoing work on both cases, but also given the legislatively-mandated December 2009 departure of the international prosecutors in the section. State Prosecutor Milorad Barasin had requested

that the government amend legislation to extend the presence of these prosecutors past December, but there is little or no political will to enact such legislation. It is unclear whether the internationals' presence will be extended; therefore, the department, whose staff members are becoming increasingly concerned about the department's future given the political attacks the office faces, will be looking to the incoming ILA as a source of motivation and strength.

OPDAT Sponsors U.S. Study Trip

¶4. (U) As part of ongoing efforts to boost the capacity of the Bosnian judiciary to fight organized crime, corruption, and terrorism, from May 16 until May 30, 2009 OPDAT sponsored a study tour to New York and Pennsylvania for 12 judges, prosecutors, and legal officers. In New York, the group heard how the New York Organized Crime Task Force prosecuted organized crime gangs using wire taps, listening devices, and undercover operations. The group met with the U.S. Attorney's Office of the Southern District of New York where federal prosecutors discussed how they work with the FBI, the IRS, and postal inspectors. In their meeting with the DEA, participants learned how that agency conducts drug busts. This was followed up with meetings with the FBI to learn about its work against mafia families and Albanian organized crime gangs, and with the Brooklyn District Attorney to hear about its work with investigators. The group met with officials from the U.S. Postal Inspection Service who discussed how they track down child pornographers on the internet and investigate the sale of drugs through the mail. The group also visited a drug court and spoke to a judge who explained how the court was initiated and how it

helps recovering addicts become productive citizens. Participants were especially impressed with the meticulous manner in which a prosecutor and defense lawyer conducted the direct and cross-examination of a DNA expert.

¶5. (U) In Pennsylvania, the group was introduced to practices of the district court, the differences between federal and local rules and procedures, how financial investigations are initiated alongside every organized crime investigation in order to find, freeze, and forfeit assets, and how prosecutors develop specialties. A clerk of courts discussed how the office became more efficient after it introduced electronic filing and upon the request of the group, gave an overview of the jury selection process. Representatives from the probation and pre-trial office explained how they aid the court with reports on detention, custody, and sentencing, prompting many of the Bosnian judges to voice support for having such independent reports provided to them in their own courts.

OPDAT Sponsors Financial Crimes Course

¶6. (U) From June 14-19, OPDAT, working jointly with ICITAP, sponsored a financial crimes investigation for 14 investigators and 4 prosecutors from different prosecutors' offices and law enforcement agencies throughout the country. Participants praised an exercise involving the drafting of an affidavit for a search warrant, executing it, and then interviewing witnesses found at the scene. They also expressed appreciation for an ICITAP-produced forty-page booklet filled with forms to assist police and prosecutors in investigating and prosecuting financial crimes, and with asset forfeiture.

OPDAT and Forensics Psychiatry

¶7. (U) As part of its efforts to help the State Court process war crimes, OPDAT sponsored a presentation by a forensic psychiatrist about mental problems that may arise in trials to 20 judges and legal officers. Participants learned how to better understand reports provided by psychiatrists

and more importantly, what should and should not be included in these reports. They also attended a presentation by a psychologist about the diagnosis and treatment of victims of sexual crimes.

OPDAT Tackles Legal Writing

¶8. (U) OPDAT sponsored two legal analysis and writing workshops for 35 legal officers and 2 judges observing at the State Court in an effort to address the long-standing complaints by both international and domestic critics that the writing of court decisions needs to improved. Participants first discussed the importance of ensuring that court decisions could be understood by the country's citizens and the international community, not just the local legal community. Then they were given numerous opportunities to deconstruct U.S. court decisions translated into Bosnian as well as local court decisions. They were also introduced to the IRAC method of writing, which, if used, would allow them to produce clearly-written and visually appealing decisions.

Regional Cooperation

¶9. (U) Working jointly with OPDAT Belgrade, OPDAT sponsored a June 12 meeting in Dubrovnik between State Prosecutor Milorad Barasin and the Serbian War Crimes Prosecutor Vladimir Vukcevic on regional cooperation. Regional cooperation between Bosnia and its neighbors in the Western Balkans has been stalled for years due to the long-standing insistence of Bosnian officials that all war crimes that occurred in Bosnia should be tried in the country. Due to existing bans on extradition of nationals in the region, this places alleged criminals with dual citizenship residing outside of Bosnia out of reach.

¶10. (U) Some Bosnian officials have now realized that entering into regional cooperation agreements is in Bosnia's interest. This change of view is supported by the National War Crimes Strategy (adopted by the Council of Ministers in December), which provides for the Bosnian government to amend existing agreements or enter into ones with its neighbors to ensure the investigation, prosecution, and adjudication of

war crimes cases. High Representative Valentin Inzko has also weighed in on the issue by publicly calling on Bosnian officials to enter into regional cooperation agreements, adding to S/WCI and the Embassy's long-standing support for such agreements.

¶11. (SBU) The meeting in Dubrovnik, which was moderated by S/WCI Ambassador Clint Williamson, has begun what appear to be serious negotiations between Bosnia and Serbia regarding regional cooperation. A Serbian delegation led by the Minister of Justice traveled to Sarajevo on June 29 to discuss with counterparts, including BiH Justice Minister Barisa Colak and Barasin, draft agreements and the way ahead. They decided to establish two commissions, one focusing on civil cases and the other on criminal cases, including war crimes. One of the main objectives of the commission dealing with criminal cases will be to draft a regional cooperation agreement. OPDAT and the Embassy, in close coordination with S/WCI, will continue to monitor the talks and whenever necessary, provide technical and political support to the process.

OPDAT and the High-Profile Gasi Case

¶12. (U) The importance of OPDAT's training program to our rule of law agenda here in Bosnia was highlighted by the Sarajevo Cantonal Court's June 23 conviction of the notorious mafia boss Muhammed Ali Gasi, his brother, and six associates on organized crime charges, including extortion, illegal property purchase and illegal construction. As noted in RefTel, the men received a collective prison sentence of 42.5 years, with Gasi receiving a twenty-year sentence, while his

co-defendants receiving sentences ranging from 1 to 6.5 years. The court decision was discussed in local newspapers for days and made a deep impression on public opinion. Many media outlets portrayed it as evidence that the judiciary is willing to target individuals who were previously believed to be untouchable. In this case, a Cantonal Court for the first time seized property, and both the judge and the prosecutor had participated in OPDAT-sponsored activities including asset forfeiture.

ICITAP Provides Training on Strategic Planning

¶13. (U) In May and June, ICITAP presented "Strategic Planning" training to over 100 police executives and officials. ICITAP also provided the same training for 16 European Union Police Mission (EUPM) field advisors as a force multiplier. Notably, ICITAP developed and distributed a comprehensive guide to be used as a training aid and reference manual for the course. As a result of ICITAP's initiative, Brcko District completed the first Strategic Plan of any BiH Law Enforcement Agency in May. ICITAP and EUPM are assisting four other agencies (SIPA, Canton 10 (Livno), Bosnia-Podrinje Canton (Gorazde), and BiH INTERPOL Office) with development of their respective strategic plans.

¶14. (U) From May 11-15 and 18-22, ICITAP, in partnership with the FBI, presented two one-week iterations of an advanced fingerprint training class for a total of 40 participants in Sarajevo and Banja Luka. The course is designed to teach participants to compare and recover all types of latent fingerprint identifications, be they for homicide, suicide, rape, burglary, robbery, arson or other criminal acts. Advanced procedures introduced included: Fuming with Cyanoacrylate (Super Glue), Small Particle Reagent (SPR), Ninhydrin Processing, Fluorescence Photography, and the use of the Omniprint and ALS equipment.

¶15. (U) From June 1-12, ICITAP, in partnership with the U.S. Marshall Service (USMS), presented an advanced surveillance course to 24 investigators and undercover operatives from state and entity level law enforcement agencies in Sarajevo. This advanced surveillance course focused on techniques to be used during evening and night-time surveillance, including the use of night vision equipment and cameras.

¶16. (U) In addition to the training noted above, during May and June ICITAP provided donations of Evidence Laboratory Equipment, Computer and Bar Code Scanning Equipment, Criminal Intelligence Software (I2), Tactical Gear, Photography Equipment, Law Enforcement Reference Material and Surveillance Equipment to law enforcement agencies, including, BP, SIPA, FMUP, RSMUP, Cantonal MUPs, RSMUPs and

Brcko District Police. The total value of these donations was \$120,984. Moreover, on June 19, ICITAP monitored the initial exploration of a recently discovered mass grave site in Goranci, a small village west of Mostar. The State Investigation and Protection Agency (SIPA) Special Support Unit (SSU) Alpine Team worked on this mass grave using rappelling equipment donated by ICITAP. The site is located at the bottom of a pit 100 meters deep and 30 meters wide. It is not yet determined how many bodies lie in this mass grave.

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